

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Leon Henry Carter, III

Civil 08-2202 JMR/FLN

Petitioner,

v.

O R D E R

John King, Warden, State Prison,  
Stillwater, Minnesota,

Respondent.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated June 17, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus [#1] is DENIED; and
2. This action is SUMMARILY DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.

DATED: July 29, 2008.  
at Minneapolis, Minnesota

s/James M. Rosenbaum  
JUDGE JAMES M. ROSENBAUM  
United States District Court